

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Sherry Lisa Hinds,)	
)	
Plaintiff,)	Civil Action No.: 2:19-cv-02592-JMC
)	
v.)	ORDER
)	
Andrew Saul,)	
Commission of Social Security)	
Administration,)	
)	
Defendant.)	
)	

This matter is before the court for review of the Magistrate Judge’s Report and Recommendation (“Report”) filed on January 8, 2021. (ECF No. 15.) The Report addresses Plaintiff Sherry Lisa Hinds’ (“Plaintiff”) claim for Supplemental Security Income (“SSI”) under Title XVI of the Social Security Act. (*Id.* at 1.) The Report recommends vacating the decision of the Commissioner of Social Security Administration (“the Commissioner”) and remanding the matter for further administrative proceedings. (*Id.*) For the reasons stated herein, the court **ACCEPTS** the Report, **VACATES** the decision of the Commissioner, and **REMANDS** the action for additional administrative proceedings.

I. RELEVANT BACKGROUND

The Report sets forth the relevant facts and legal standards which this court incorporates herein without a full recitation. (ECF No. 15.) As brief background, Plaintiff submitted an application for SSI on August 30, 2016 that was denied initially and on reconsideration. (*Id.* at 2.) The Administrative Law Judge (“ALJ”) issued an unfavorable decision on August 21, 2018 and the Appeals Council subsequently denied Plaintiff’s request for review. (*Id.*) On September 13, 2019, Plaintiff filed the instant Complaint (ECF No. 1) against the Commissioner.

On January 8, 2021, the Magistrate Judge filed their Report. (ECF No. 15.) In the Report, the Magistrate Judge reasoned that “the ALJ’s decision is not supported by substantial evidence[.]” (*Id.* at 7.) Specifically, the Report noted that the ALJ failed to “properly weigh Plaintiff’s subjective complaints in determining the limiting effects and severity of her anxiety[.]” (*Id.* at 10.) On this basis, the Report recommended that the court vacate the decision of the Commissioner and remand the case in order for the ALJ to properly evaluate Plaintiff’s subjective complaints. (*Id.*)

II. STANDARD OF REVIEW

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge only makes a recommendation to this court, and the recommendation has no presumptive weight. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The responsibility to make a final determination remains with the court. *Id.* at 271. As such, the court is charged with making *de novo* determinations of those portions of the Report and Recommendation to which specific objections are made. *See* 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). In the absence of specific objections to the Magistrate Judge’s Report, the court is not required to give any explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Thus, the court may accept, reject, or modify, in whole or in part, the Magistrate Judge’s recommendation or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

III. ANALYSIS

The parties were apprised of their opportunity to file specific objections to the Report on January 8, 2021. (ECF No. 15 at 11.) Objections to the Report were due by January 22, 2021. (*Id.*) On January 21, 2021, the Commissioner notified the court that he would not object to the Magistrate Judge's Report. (ECF No. 16 at 1.) Plaintiff has not filed any objection to the Report. Since no specific objections were filed by either party and the Report does not contain clear error, the court adopts the Report herein. *See Camby*, 718 F.2d at 199; *Diamond*, 416 F.3d at 315.

IV. CONCLUSION

After a thorough review of the Report and the record in this case, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No. 15) and incorporates it herein. Therefore, the decision of the Commissioner of Social Security Administration is **VACATED** and this case is **REMANDED** for further administrative proceedings.

IT IS SO ORDERED.



United States District Judge

February 1, 2021
Columbia, South Carolina